

Osgoode Hall, June 27th, 1957

It is indeed a pleasure to be in Osgoode Hall again. I am grateful to you, Mr. Treasurer, for inviting me to be with you today, and I tender my sincere thanks to the Benchers of the Law Society of Upper Canada for the honour of my Call to the Bar, which, I know, is not so much a personal honour as it is a tribute to the institution which I represent. The relations of the University of Toronto with the Law Society of Upper Canada have, in recent years, been governed by Shakespeare's excellent advice to all lawyers: "Strive mightily, but eat and drink as friends." The strife is o'er; the friendship persists. Seriously, may I say in all sincerity that my colleagues in the University of Toronto, not only those on the staff of the Faculty of Law but the whole University through a formal resolution of the Senate, commended the statesmanlike action recently taken by the Law Society of Upper Canada for the advancement of legal education in this Province. Having been concerned with legal education for the past thirty-six years, I have some warrant to predict that this action will redound to the benefit of the commonweal, and that there will be developed in this Province a programme of legal education second to none.

At this time of year, after many orations and exhortations, I am not going to say anything about the law, except that it is a good thing. My learned friends who are in practice could learn nothing from me, who have been out of practice for years. My classmates, my fellow-barristers, have heard so many lectures lately that they are,

I am sure, in no mood to hear another. Anyway, it is too hot for law. I am going to talk about fish.

A pamphlet issued by the Dominion Government Department of Fisheries is not the place where one expects to find whimsical writing, but there is one entitled "A Popular Account of the Fishes of Canada from the Lampreys and Hagfishes to the Viper Fishes Inclusive", written in 1929 by the naturalist Andrew Halkett, which begins with the fanciful suggestion that this planet might have been created especially for fish. They have the run of more than half the world's area, they can live near the surface of the sea and also in its depths, they outnumber the human race, some of them grow larger than men, and there are, according to Mr. Halkett, some 13,000 species. It is no wonder that men have been fascinated by the varied characteristics of fish, and have drawn parallels between the denizens of the sea and those of the land, as in a poem quoted by Izaak Walton in *The Complete Angler*:

God quickened in the sea, and in the rivers
So many fishes of so many features
That in the waters we may see all creatures,
Even all that on the earth are to be found,
As if the world were in deep waters drowned.

The first fish in my aquatic trinity is the shark. I know that some members of "the lesser breeds without the Law" are given to the pernicious habit of referring to the ornaments of the legal profession as "sharks"; that is slanderous in speech, libellous in print, and a terminological inexactitude in any case.

There are a great many kinds of sharks, but on the whole one can say that they are powerful, predatory and voracious creatures with wide mouths, sharp teeth, and enormous appetites. They have been known to bite men and whales, and they live by gulping down quantities of small fish. They contribute very little to the world's economy. Their skin has limited uses; the smaller varieties of shark are edible, but far from delectable; and shark-liver oil is a product vastly inferior to cod-liver oil. Sharks are swift and cruel with that silent cruelty depicted by E. J. Pratt: "Away back before the emergence of fur and feather, back to the unvoiced sea and down deep where the darkness spills its wash on the threshold of light, where the lids never close upon the eyes, where the inhabitants slay in silence and are as silently slain."

No one likes a shark in the sea, but there is sometimes a tendency to admire the shark on land. Though he is ruthless, cruel and treacherous, he is also powerful and influential, and surrounds himself with the trappings of success. He will probably pose as a champion of free enterprise, a crusader for the individual, a defender of democracy. Look well at those pretensions! Democracy is not a device for a devil-take-the-hindmost society. "The individual" means every individual, not just robber barons unwilling to pay taxes. "Free enterprise" does not mean that any shark, however enterprising, is free to gobble up the weaker members of society. On the other hand, the shark may pose as the spokesman of the downtrodden, the reformer

of entrenched abuses. Look well to see whether he battens on those for whom he speaks, and plays on discontent to consolidate his power.

The second of my ichthyological triad is the lamprey, which resembles an eel but is not an eel; which is called a sucker but **is** not a sucker; and which according to some purists is not even a fish. Of all the lacustrine inhabitants, the lampreys are among the least commendable. Doubtless you have read of the havoc that they have created in the lake fishing industry of this Province. They are parasites which bite and wound lake trout, whitefish and other wholesome water-dwellers. They latch on to bigger fish to hitch a ride, and eat their chauffeur en route.

Are there humans corresponding to the lampreys? I am afraid there are. They are the parasites upon society, producing no good, creating no beauty, discovering no truth, but doing themselves very nicely indeed, thank you. Some are in the dark and shady places where the light of the law is dim, but most of them are thoroughly respectable. Their livelihood depends on arousing the greed or catering to the extravagance or preying on the gullibility of their fellows. In no way is their community better because they have lived. If you look at society with an eye for the real values, you will not fail to recognize "lamprey" individuals and "lamprey" occupations.

Finally, I come to the third in my piscatorial trilogy, the jellyfish. A jellyfish is roughly the shape of the top of an umbrella. It can, if it wants to, make some feeble progress by the use of muscles which pump the umbrella up and down. For the most part, however, it

drifts with the currents, the waves and the tide. It has tentacles with which it can grasp the tiny organisms that it eats, and some can deliver a stinging shock through those tentacles. Jellyfish are unattractive creatures. They don't do anything and they don't go anywhere. They don't do very much harm and they don't do any good. They just stay alive.

I have spoken of sharks, and the danger to an individual and to a country of that predatory breed who gobble up the weak in their lust for power; and I have spoken of lampreys, sycophants who burden society with their unproductive existence. Jellyfish, you may say, are not dangerous. They mind their own business, they don't interfere, they just look out for No. 1 and let the rest of the world go by.

But it is jellyfish societies that fall prey to parasites or plunderers. If anyone should ever ask you one rule that you have really learned in the course of your education, I hope that you can tell them this: don't be a jellyfish! Don't float about on the fashion-tides, the sound-waves and the ink-waves blown up by the winds of advertising, conformity and superstition. Moreover, don't work for jellyfish, or marry jellyfish, or bring up jellyfish families. Don't vote for jellyfish to represent you. They will be eaten by the sharks.

Sharks Unlimited could wreck the ship of state. But so long as we recognize them for what they are; so long as we refuse to be sharks ourselves, or to latch on to ^{them} ~~them~~ as parasites, or to float aimlessly ~~in their path~~ like jellyfish, we will pass on to our descendants a

country where the weak need never fear the strong, where everyone's enterprise is really free.

You, my young fellow-members of the Bar, have attained professional proficiency -- you can swim. You will get into the swim, I know, with a strong sense of the high ideals of your calling. I pray that you may always keep the vision of those ideals before you, and I wish you happiness and success in a noble profession.